

The National Grange

Of the Order of Patrons of Husbandry

Building Communities



October 15, 2009

Chairman Julius Genachowski
Commissioner Meredith Attwell Baker
Commissioner Mignon Clyburn
Commissioner Michael J. Copps
Commissioner Robert M. McDowell

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Broadband Industry Practices (WC Docket No. 07-52), National Broadband Plan
Notice of Inquiry (WC Docket 09-51)

Dear Chairman Genachowski and Commissioners:

The National Grange is the nation's oldest general farm and rural public interest organization. The National Grange represents nearly 200,000 individual Grange members affiliated with a network of 2700 local, county and state Grange chapters located in rural, farming and tribal communities across the United States. The National Grange is deeply concerned that the policy focus of the Commission is shifting from developing a National Broadband Plan that encourages universal deployment and adoption of broadband services to underserved rural, farming and tribal communities to a policy focused on regulating broadband network management practices.

The National Grange believes that deployment and consistent access to broadband for all Americans, especially underserved rural Americans, is clearly the most pressing national telecommunications policy objective. Any attempt by the Commission to preemptively define reasonable network management practices by broadband network operators faces the challenge of defining a fixed solution for the ever-evolving problems that will arise on the Internet. It potentially disenfranchises millions of currently underserved Americans, especially those who live in rural areas, from the contours of a national debate about the appropriate level of regulation regarding a technology they have little firsthand knowledge using.

Technology is simply moving too fast and critical service applications are simply too important to be encumbered by a burdensome regulatory process, while at the same time, the social and cultural barriers to wide spread adoption are naturally receding at an expanding pace in the face of dynamic competition among various internet technology applications and platforms.

In January 2009, as part of the *Blueprint for Rural America 2009*, the National Grange's grassroots driven, nine point program to revitalize rural America and assure U.S. agricultural prosperity, issued the following position statement under the heading "Expanding Telecommunications Services in Rural Areas"

"Universal access to affordable, reliable and competitive telecommunications technologies such as telephone, cellular, wireless, digital broadcast television, radio, Internet, satellite and competitive video services must be available to rural communities at affordable costs. Advanced telecommunications technologies are converging. Therefore, national, state and local laws that govern these technologies should remove the regulatory uncertainty that has deterred advanced telecommunications investment in rural America. The Internet delivers information, services and products efficiently, irrespective of geographic location. Rural telecommuters enjoy rewarding careers and lifestyles while conserving energy and reducing traffic congestion. Cell phones increase personal security in remote areas and offer cost effective service to low income individuals. Telemedicine and tele-education both bring vital new services to rural communities. Global positioning satellites improve productivity on America's farms. Even with these benefits, we must protect children from inappropriate materials and we must reduce incidents of spam, fraud and loss of privacy from these technologies. Expanding access to new telecommunications technologies in rural areas will spark the creation of new service providers, new innovations and new applications that will become more affordable to rural communities."

In light of overwhelming national evidence of dynamic competition in the broadband industry, emerging successful collaborative efforts to accurately map underserved citizens across the nation, a plethora of policy driven internet based applications that can address pressing problems facing rural, farming and tribal communities such as tele-medicine, tele-commuting, tele-education and tele-public safety and rising levels of social and cultural acceptance of the internet as a keystone personal growth technology of the 21st Century, the National Grange is baffled by the Commission's decision to fast track, with little record or evidence of immediate need, the policy discussion regarding an appropriate national network management regulatory regime.

The National Grange believes that issuance of a Notice of Proposed Rulemaking on net neutrality at a time when the Commission is making significant progress in gathering the factual information to develop a National Broadband Plan is grossly premature and demonstrates an insensitivity to the grassroots perspectives of Americans living in underserved rural, farming and tribal communities. The Commission could have easily used the process of an Advanced Notice of Proposed Rulemaking or a Notice of Intent, similar to the NOI released to develop a National Broadband Plan, to create a full and complete record of the demonstrated need, or lack of need, for "net neutrality" which we would define as a comprehensive regime to define the rights, privileges, responsibilities and obligations of various parties who utilize, manage or provide services via the internet.

The National Grange is concerned that without a comprehensive record, as the basis for current regulatory action, net neutrality regulations threaten continued investment in the physical components of the national internet network.

A lack of a deliberative public record will also potentially stifle the benefits that broadband and the Internet bring to rural, farming and tribal communities by making it unclear whether or not the Commission's actions will address the real life issues faced by current and future internet users. For example, the grassroots concerns raised by Grange members from across the nation and reflected in our *Blueprint for Rural America 2009* telecommunications policy statement concerning protecting children from inappropriate materials and reducing the incidents of fraud, spam and loss of privacy through unregulated internet based *applications* is an area that is not addressed by the NPRM.

There is little intuitive intellectual support for an argument that corporations that dominate the ownership and management of the physical property and infrastructure critical to the functioning of the internet should be subject to stringent regulatory oversight while equally dominant corporations that control and manage the intellectual property based infrastructure critical to the functioning of the internet should not be subject to similar affirmative regulatory expectations of serving the public interest. However, this is the twisted path the Commission has unambiguously elected to take.

The National Grange believes that the Notice of Proposed Rulemaking on net neutrality must be handled in the same transparent and collaborative manner as the National Broadband Plan inquiry. If the Commission feels it must address net neutrality at this time, the more prudent action would be to begin with a Notice of Inquiry to develop a full record so that policy decisions can be made based on a full review of all the facts and a full review of the rights, privileges, responsibilities and obligations of all major participants in the internet infrastructure.

Broadband and the Internet, both in the form of the physical infrastructure and the intellectual property infrastructure inherent in its success, are tools for economic growth. The National Grange urges you to keep broadband access and adoption the Commission's number one priority. We welcome the opportunity to continue to work with the Commission on development of the National Broadband Plan.

Rural broadband deployment and adoption are vital to delivering information, services and products in America's agricultural, rural and tribal communities. The Commission should not force an expedited and truncated national debate on narrowly defined aspects of "net neutrality" that would detract from the more important goal of developing a National Broadband Plan that provides incentives for companies to invest in rural broadband infrastructure, including both physical and intellectual property, that enables rural, farming and tribal communities to receive all of the economic and social benefits available to citizens in urban and suburban communities.

Sincerely,

Leroy Watson

Leroy Watson, Legislative Director
National Grange of the Order of Patrons of Husbandry

cc:

Senator Reid
Senator Rockefeller
Senator Pryor
Senator Warner
Senator Begich
Senator McCaskill
Senator Hutchinson
Senator Snowe
Speaker Nancy Pelosi
Majority Whip Clyburn

Rep. Barton
Rep. Stearns
Rep. Rush
Rep. Gonzalez
Rep. Dingell
Rep. Boucher
Rep. Waxman